

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA)
)
V.) CRIM. NO. 04-10307-WGY
)
STEPHEN DAROSA,)
Defendant.)

SCHEDULING CONFERENCE STATUS REPORT

The grand jury superseded in the current matter with an additional count on December 14, 2005. Trial on Count 1 (the original charge) had been scheduled for January 9, 2006. With regard to the Superseding Indictment, the parties report the following with respect to the items set forth in Local Rule 116.5(A)(1):

- (1) No relief is sought from the otherwise applicable timing requirements imposed by Local Rule 116.3.
- (2) The defendant requests that he be notified by the government no later than 45 days before the trial date of any experts the government intends to call as witnesses at trial and the government requests the same notice no less than 30 days before trial.
- (3) The government has provided all discoverable materials currently in its possession. Results of further tests and additional investigatory reports may be forthcoming and will be promptly provided in accordance with Fed.R.Crim.P. 16(c).
- (4) The parties agree that an initial motion date should be established at this time.
- (5) The parties request that the period from January 9, 2006, until the next status conference be excluded for purposes of the Speedy Trial Act, so that discovery can be further examined and discussions held to determine if the matter can be resolved short of trial.

- (6) At this time, the parties anticipate that a trial will be necessary.
- (7) The parties have engaged in preliminary negotiations in an effort to resolve this matter by plea agreement. If these negotiations fail and a trial ensues, the government expects such a trial to last approximately three days.
- (8) The parties respectfully request that a Status Conference be set for a date approximately 30 days after the date of this conference (giving the parties sufficient time to further address discovery issues and engage in plea negotiations following the further examination of discovery materials).

Respectfully submitted,

STEPHEN DAROSA
Defendant

MICHAEL J. SULLIVAN
United States Attorney

By: /s/ Eugene Patrick McCann By: /s/ Paul R. Moore
Eugene Patrick McCann Paul R. Moore
Attorney for Defendant Assistant U.S. Attorney

January 9, 2006